



Rep. Jay Hoffman

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LRB101 08765 TAE 60589 a

1 AMENDMENT TO SENATE BILL 1934

2 AMENDMENT NO. _____. Amend Senate Bill 1934 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-154.7, 5-301, 5-302, and 5-803 as follows:

6 (625 ILCS 5/1-154.7)

7 Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person
8 who is licensed in another state or jurisdiction and acquires
9 salvage or junk vehicles for the primary purpose of taking them
10 out of this State ~~state~~.

11 (Source: P.A. 95-783, eff. 1-1-09.)

12 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

13 Sec. 5-301. Automotive parts recyclers, scrap processors,
14 repairers and rebuilders must be licensed.

15 (a) No person in this State shall, except as an incident to

1 the servicing of vehicles, carry on or conduct the business of
2 an automotive parts recycler, a scrap processor, a repairer, or
3 a rebuilder, unless licensed to do so in writing by the
4 Secretary of State under this Section. No person shall rebuild
5 a salvage vehicle unless such person is licensed as a rebuilder
6 by the Secretary of State under this Section. No person shall
7 engage in the business of acquiring 5 or more previously owned
8 vehicles in one calendar year for the primary purpose of
9 disposing of those vehicles in the manner described in the
10 definition of a "scrap processor" in this Code unless the
11 person is licensed as an automotive parts recycler by the
12 Secretary of State under this Section. No person shall engage
13 in the act of dismantling, crushing, or altering a vehicle into
14 another form using machinery or equipment unless licensed to do
15 so and only from the fixed location identified on the license
16 issued by the Secretary. Each license shall be applied for and
17 issued separately, except that a license issued to a new
18 vehicle dealer under Section 5-101 of this Code shall also be
19 deemed to be a repairer license.

20 (b) Any application filed with the Secretary of State,
21 shall be duly verified by oath, in such form as the Secretary
22 of State may by rule or regulation prescribe and shall contain:

23 1. The name and type of business organization of the
24 applicant and his principal or additional places of
25 business, if any, in this State.

26 2. The kind or kinds of business enumerated in

1 subsection (a) of this Section to be conducted at each
2 location.

3 3. If the applicant is a corporation, a list of its
4 officers, directors, and shareholders having a ten percent
5 or greater ownership interest in the corporation, setting
6 forth the residence address of each; if the applicant is a
7 sole proprietorship, a partnership, an unincorporated
8 association, a trust, or any similar form of business
9 organization, the names and residence address of the
10 proprietor or of each partner, member, officer, director,
11 trustee or manager.

12 4. A statement that the applicant's officers,
13 directors, shareholders having a ten percent or greater
14 ownership interest therein, proprietor, partner, member,
15 officer, director, trustee, manager, or other principals
16 in the business have not committed in the past three years
17 any one violation as determined in any civil or criminal or
18 administrative proceedings of any one of the following
19 Acts:

20 (a) the Anti-Theft Laws of the Illinois Vehicle
21 Code;

22 (b) the "Certificate of Title Laws" of the Illinois
23 Vehicle Code;

24 (c) the "Offenses against Registration and
25 Certificates of Title Laws" of the Illinois Vehicle
26 Code;

1 (d) the "Dealers, Transporters, Wreckers and
2 Rebuilders Laws" of the Illinois Vehicle Code;

3 (e) Section 21-2 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, Criminal Trespass to
5 Vehicles; or

6 (f) the Retailers Occupation Tax Act.

7 5. A statement that the applicant's officers,
8 directors, shareholders having a ten percent or greater
9 ownership interest therein, proprietor, partner, member,
10 officer, director, trustee, manager or other principals in
11 the business have not committed in any calendar year 3 or
12 more violations, as determined in any civil or criminal or
13 administrative proceedings, of any one or more of the
14 following Acts:

15 (a) the Consumer Finance Act;

16 (b) the Consumer Installment Loan Act;

17 (c) the Retail Installment Sales Act;

18 (d) the Motor Vehicle Retail Installment Sales
19 Act;

20 (e) the Interest Act;

21 (f) the Illinois Wage Assignment Act;

22 (g) Part 8 of Article XII of the Code of Civil
23 Procedure; or

24 (h) the Consumer Fraud Act.

25 6. An application for a license shall be accompanied by
26 the following fees: \$50 for applicant's established place

1 of business; \$25 for each additional place of business, if
2 any, to which the application pertains; provided, however,
3 that if such an application is made after June 15 of any
4 year, the license fee shall be \$25 for applicant's
5 established place of business plus \$12.50 for each
6 additional place of business, if any, to which the
7 application pertains. License fees shall be returnable
8 only in the event that such application shall be denied by
9 the Secretary of State.

10 7. A statement that the applicant understands Chapter 1
11 through Chapter 5 of this Code.

12 8. A statement that the applicant shall comply with
13 subsection (e) of this Section.

14 9. A statement indicating if the applicant, including
15 any of the applicant's affiliates or predecessor
16 corporations, has been subject to the revocation or
17 nonrenewal of a business license by a municipality under
18 Section 5-501.5 of this Code.

19 10. The applicant's National Motor Vehicle Title
20 Information System number and a statement of compliance if
21 applicable.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a license filed
24 with the Secretary of State shall be amended within 30 days
25 after the occurrence of such change on such form as the
26 Secretary of State may prescribe by rule or regulation,

1 accompanied by an amendatory fee of \$2.

2 (d) Anything in this Chapter to the contrary,
3 notwithstanding, no person shall be licensed under this Section
4 unless such person shall maintain an established place of
5 business as defined in this Chapter.

6 (e) The Secretary of State shall within a reasonable time
7 after receipt thereof, examine an application submitted to him
8 under this Section and unless he makes a determination that the
9 application submitted to him does not conform with the
10 requirements of this Section or that grounds exist for a denial
11 of the application, as prescribed in Section 5-501 of this
12 Chapter, grant the applicant an original license as applied for
13 in writing for his established place of business and a
14 supplemental license in writing for each additional place of
15 business in such form as he may prescribe by rule or regulation
16 which shall include the following:

- 17 1. the name of the person licensed;
- 18 2. if a corporation, the name and address of its
19 officers or if a sole proprietorship, a partnership, an
20 unincorporated association or any similar form of business
21 organization, the name and address of the proprietor or of
22 each partner, member, officer, director, trustee or
23 manager;
- 24 3. a designation of the kind or kinds of business
25 enumerated in subsection (a) of this Section to be
26 conducted at each location;

1 4. in the case of an original license, the established
2 place of business of the licensee;

3 5. in the case of a supplemental license, the
4 established place of business of the licensee and the
5 additional place of business to which such supplemental
6 license pertains.

7 (f) The appropriate instrument evidencing the license or a
8 certified copy thereof, provided by the Secretary of State
9 shall be kept, posted, conspicuously in the established place
10 of business of the licensee and in each additional place of
11 business, if any, maintained by such licensee. The licensee
12 also shall post conspicuously in the established place of
13 business and in each additional place of business a notice
14 which states that such business is required to be licensed by
15 the Secretary of State under Section 5-301, and which provides
16 the license number of the business and the license expiration
17 date. This notice also shall advise the consumer that any
18 complaints as to the quality of service may be brought to the
19 attention of the Attorney General. The information required on
20 this notice also shall be printed conspicuously on all
21 estimates and receipts for work by the licensee subject to this
22 Section. The Secretary of State shall prescribe the specific
23 format of this notice.

24 (g) Except as provided in subsection (h) hereof, licenses
25 granted under this Section shall expire by operation of law on
26 December 31 of the calendar year for which they are granted

1 unless sooner revoked, nonrenewed, or cancelled under the
2 provisions of Section 5-501 or 5-501.5 of this Chapter.

3 (h) Any license granted under this Section may be renewed
4 upon application and payment of the fee required herein as in
5 the case of an original license, provided, however, that in
6 case an application for the renewal of an effective license is
7 made during the month of December, such effective license shall
8 remain in force until such application is granted or denied by
9 the Secretary of State.

10 (i) All automotive repairers and rebuilders shall, in
11 addition to the requirements of subsections (a) through (h) of
12 this Section, meet the following licensing requirements:

13 1. provide proof that the property on which first time
14 applicants plan to do business is in compliance with local
15 zoning laws and regulations, and a listing of zoning
16 classification;

17 2. provide proof that the applicant for a repairer's
18 license complies with the proper workers' compensation
19 rate code or classification, and listing the code of
20 classification for that industry;

21 3. provide proof that the applicant for a rebuilder's
22 license complies with the proper workers' compensation
23 rate code or classification for the repair industry or the
24 auto parts recycling industry and listing the code of
25 classification;

26 4. provide proof that the applicant has obtained or

1 applied for a hazardous waste generator number, and listing
2 the actual number if available or certificate of exemption;

3 5. provide proof that applicant has proper liability
4 insurance, and listing the name of the insurer and the
5 policy number; and

6 6. provide proof that the applicant has obtained or
7 applied for the proper State sales tax classification and
8 federal identification tax number, and listing the actual
9 numbers if available.

10 (i-1) All automotive repairers shall provide proof that
11 they comply with all requirements of the Automotive Collision
12 Repair Act.

13 (j) All automotive parts recyclers shall, in addition to
14 the requirements of subsections (a) through (h) of this
15 Section, meet the following licensing requirements:

16 1. provide a statement that the applicant purchases 5
17 vehicles per year or has 5 hulks or chassis in stock;

18 2. provide proof that the property on which all first
19 time applicants will do business does comply to the proper
20 local zoning laws in existence, and a listing of zoning
21 classifications;

22 3. provide proof that applicant complies with the
23 proper workers' compensation rate code or classification,
24 and listing the code of classification; and

25 4. provide proof that applicant has obtained or applied
26 for the proper State sales tax classification and federal

1 identification tax number, and listing the actual numbers
2 if available.

3 (Source: P.A. 100-409, eff. 8-25-17.)

4 (625 ILCS 5/5-302) (from Ch. 95 1/2, par. 5-302)

5 Sec. 5-302. Out-of-state salvage vehicle buyer must be
6 licensed.

7 (a) No person in this State shall sell ~~or offer~~ at auction
8 a salvage vehicle ~~vehicles~~ to a nonresident individual or
9 business licensed in the United States unless the nonresident
10 is ~~who is not~~ licensed in another state or jurisdiction and
11 provides a resale tax certificate, if applicable, and one of
12 the following: a National Motor Vehicle Title Information
13 System (NMVTIS) number, a federal employer identification
14 number, or a government-issued driver's license or passport. A
15 person in this State shall not sell at auction a salvage
16 vehicle to an out-of-country buyer, unless if the nonresident
17 is licensed in a jurisdiction that is not a state, then the
18 nonresident shall provide to the seller the number of the
19 nonresident's license issued by that jurisdiction and a copy of
20 the nonresident's passport or the passport of an owner or
21 officer of the nonresident entity or a copy of another form of
22 government-issued identification from the nonresident or an
23 owner or officer of the nonresident entity.

24 (b) (Blank).

25 (c) (Blank).

1 (d) (Blank).

2 (e) (Blank).

3 (f) (Blank).

4 (g) An out-of-state salvage vehicle buyer shall be subject
5 to the inspection of records pertaining to the acquisition of
6 salvage vehicles in this State in accordance with this Code and
7 such rules as the Secretary of State may promulgate.

8 (h) (Blank).

9 (i) (Blank).

10 (j) An out-of-state salvage vehicle buyer who provides an
11 address outside of the United States shall receive a salvage
12 certificate stamped by the seller with the designation of "For
13 Export Only" at the point of sale for each salvage vehicle
14 purchased and the NMVTIS record shall be designated "EXPORT".

15 (Source: P.A. 95-783, eff. 1-1-09.)

16 (625 ILCS 5/5-803)

17 Sec. 5-803. Administrative penalties. Instead of filing a
18 criminal complaint against a new or used vehicle dealer, or
19 against any other entity licensed by the Secretary under this
20 Code, or any other unlicensed entity acting in violation of
21 this Code, a Secretary of State Police investigator may issue
22 administrative citations for violations of any of the
23 provisions of this Code or any administrative rule adopted by
24 the Secretary under this Code. A party receiving a citation
25 shall have the right to contest the citation in proceedings

1 before the Secretary of State Department of Administrative
2 Hearings. Penalties imposed by issuance of an administrative
3 citation shall not exceed \$50 per violation. A penalty may not
4 be imposed unless, during the course of a single investigation
5 or upon review of the party's records, the party is found to
6 have committed at least 3 separate violations of one or more of
7 the provisions of this Code or any administrative rule adopted
8 by the Secretary under this Code. Penalties paid as a result of
9 the issuance of administrative citations shall be deposited in
10 the Secretary of State Police Services Fund.

11 (Source: P.A. 97-838, eff. 7-20-12; 98-177, eff. 1-1-14.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."